

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

JUL 18 2013

LAWRENCE JORDAN,

Plaintiff,

v.

UNITED STATES BUREAU OF
PRISONS, et al.,

Defendants.

PER M. C. /
DEPUTY CLERK

CIVIL ACTION NO. 3:CV-12-2509

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, this 18th day of July, 2013, IT APPEARING TO THE COURT
THAT:

(1) Plaintiff, Lawrence Jordan, a prisoner confined at the United States Penitentiary Lewisburg, Pennsylvania, filed the instant Bivens civil rights action pursuant to 28 U.S.C. §1331 on December 17, 2012. A Second Amended Complaint (Doc. 19), which is the subject of the Magistrate Judge's Report and Recommendation, was filed on May 9, 2013;

(2) In his Second Amended Complaint, Plaintiff raises several claims arising out of the Eighth Amendment, namely, excessive force, conditions of confinement and denial of medical care;

(3) The action was assigned to Magistrate Judge Thomas M. Blewitt for Report and Recommendation;

(4) On June 20, 2013, the Magistrate Judge issued a thirty-eight (38) page Report and Recommendation (Doc. 21) wherein he recommended that Plaintiff's Second Amended Complaint be dismissed with prejudice;

(5) Specifically, the Magistrate Judge found that the Plaintiff's Second Amended Complaint raises issues of exhaustion, venue, personal involvement of

Defendants and failure to state constitutional claims against any Defendant on his claims of excessive force, conditions of confinement and denial of medical care;

(6) Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

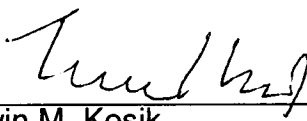
(8) We have considered the Magistrate Judge's Report and we concur with his recommendation. After reviewing the Second Amended Complaint, we find that there are issues with exhaustion and venue, that Plaintiff failed to set forth the personal involvement of any of the Defendants, and that Plaintiff failed to set forth any Eighth Amendment claim;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated June 20, 2013 (Doc. 21) is **ADOPTED**;

(2) The Plaintiff's Second Amended Complaint (Doc. 19) is **DISMISSED** with prejudice; and

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.



Edwin M. Kosik
United States District Judge